

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; BERNARD  
GORTER; SHELLY CAMPBELL and  
CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**DEFENDANT MCKESSON CORPORATION'S MOTION FOR LEAVE  
TO FILE UNDER SEAL**

McKesson respectfully moves this Court for leave to file under seal Exhibit 3 to the Flum Declaration in Support of McKesson's Opposition to Plaintiffs' Request for a 6-Month Delay in the U&C Schedule (the "Flum Declaration"). The material at issue in this motion is a portion of a transcript of a third party witness deposition taken on May 27, 2008. McKesson submits this motion in accordance with its obligations under the April 11, 2006 Protective Order governing this litigation.

In support of this motion, McKesson states as follows:

1. Exhibit 3 to the Flum Declaration consists of excerpts from the transcript of the May 27, 2008 deposition of Michael C. Cannata, the designated Rule 30(b)(6) representative of third party Rx-Net.

2. Paragraph 13 of the April 11, 2006 Protective Order mandates that a deponent be allowed 30 days to designate portions of the deposition transcript as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" and that, pending such designation, the entire deposition transcript shall be deemed "HIGHLY CONFIDENTIAL." The 30-day period for Rx-Net to make such designations of the deposition transcript has not yet lapsed.

3. Paragraph 14 of the April 11, 2006 Protective Order mandates that any document or pleading containing confidential material be filed under seal. McKesson hereby seeks to comply with the terms of the Protective Order governing this litigation.

WHEREFORE, McKesson respectfully requests that this Court grant it leave to file under seal Exhibit 3 to the Flum Declaration.

Respectfully submitted,

McKesson Corporation  
By its attorneys:

/s/ Lori A. Schechter  
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Dated: May 30, 2008

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I, Lori A. Schechter, counsel of record for defendant McKesson Corporation, hereby certify that McKesson's counsel conferred with counsel for plaintiffs in an effort to resolve the issue referred to in this motion, and that plaintiffs do not oppose this motion.

/s/ Lori A. Schechter

Lori A. Schechter

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on May 30, 2008.

/s/ Lori A. Schechter

Lori A. Schechter

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**[PROPOSED] ORDER GRANTING MCKESSON CORPORATION'S  
MOTION FOR LEAVE TO FILE UNDER SEAL**

McKesson Corporation seeks leave to file under seal a document filed in connection with its Opposition to Plaintiffs' Request for a 6-Month Delay in the U&C Schedule. That document contains deposition testimony provided by a third party that is highly confidential under the provisions of the April 11, 2006 Protective Order. The Court, having considered all documents in support and opposition hereto, hereby GRANTS McKesson's Motion for Leave to File Under Seal the document attached as Exhibit 3 to the Flum Declaration in Support of McKesson's Opposition to Plaintiffs' Request for a 6-Month Delay in the U&C Schedule.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Judge